

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-39458-2018 (O&M)

Date of Decision:-6.12.2018

Palwinder Singh @ Rupinder Singh @ Kinda ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Nirbhay Singh Gill, Advocate for the petitioner.

Mr. A.S. Sandhu, Additional Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

Mr. Karambir Singh Kahlon, Advocate has put in appearance on behalf of the complainant and has filed Vakalatnama, which is taken on record.

The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.0063 dated 15.7.2018 registered at Police Station Ghuman, District Batala under Sections 324, 323 and 34 of Indian Penal Code, 1860, wherein offence under Section 326 of IPC was added lateron.

The FIR was registered at the instance of Harbhajan Singh, who alleged that on the day of occurrence when he was proceeding towards his fields to irrigate his paddy crops then Kulwant Singh armed with '*dang*', Palwinder Singh @ Kinda armed with a '*datar*' and Mehtab Singh, who was empty handed attacked him. Mehtab Singh raised a '*lalkara*' exhorting his companions to teach the complainant a lesson for having raised a boundary (watt) in their fields. Kulwant Singh is alleged to have given a blow with

'*dang*' hitting the right elbow of the complainant and thereafter gave another blow with '*dang*' hitting the back of the complainant. Kulwant Singh gave yet another blow with the same on the right shoulder of the complainant. It is alleged that Palwinder Singh @ Kinda gave a blow with '*datar*' hitting the shin of right leg of the complainant. When the complainant raised alarm, he was rescued by his wife Gurmeet Kaur and other persons who were nearby.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that infact the present case is a case of cross-version and it is yet to be established as to which of the parties was aggressor. It has further been submitted that even from perusal of the FIR it is evident that none of the injuries was on any vital part of the body. It has thus been submitted that the petitioner be granted anticipatory bail.

On the other hand, the learned State counsel assisted by learned counsel for the complainant has submitted that the very conduct of the accused disentitles him for grant for grant of bail inasmuch as after the injuries had been caused to the complainant Harbhajan Singh, the accused thereafter went 8 kilometers away and caused injuries to son of the complainant regarding which a separate FIR has been lodged.

I have considered rival submissions addressed before this Court and having also perused the police file, which has been shown by Investigating Officer, who is present in Court.

A perusal of the police file reveals that Rupinder Singh (alias Palwinder Singh @ Kinda i.e. the petitioner) son of Kulwant Singh is reported to have been admitted in the hospital on 9.7.2018 and was found to have sustained three injuries on his person. While one of the injury is stated

to be on his forearm, two injuries are stated to be on his head. One of the injury has also been stated to have resulted in the fracture on the tibia bone.

In view of the aforesaid injuries and the fact that the FIR is silent as regards any injury on the person of the accused, it would certainly be debatable as to which of the parties was the aggressor.

The learned State counsel has informed that pursuant to directions issued by this Court on 11.9.2018, the petitioner has already joined investigation. The petition, as such, merit acceptance and is hereby accepted and the interim directions issued by this Court vide order dated 11.9.2018 are hereby made absolute subject to the condition that the petitioner shall appear before the Investigating Officer as and when directed.

This present petition stands accepted accordingly.

6.12.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No